

7th November 1947]

APPENDIX XII.

[Vide item VI (4) at page 721 *supra*.]

L. A. BILL No. 16 OF 1947.

(AS PASSED BY THE ASSEMBLY.)

A Bill to regulate the conditions of labour and to make provision for its welfare in places and premises to which the Factories Act, 1934, does not apply, in the Province of Madras.

Central
Act XXV
of 1934.

Central
Act XXV
of 1934.

WHEREAS it is expedient to regulate the conditions of labour, and to make provision for its welfare, in places and premises to which the Factories Act, 1934, does not apply: It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1 (1) This Act may be called the Madras Non-power Short title, extent and commencement.
Factories Act, 1947.

(2) It extends to the whole of the Province of Madras.

(3) This section shall come into force at once; and the Government may, from time to time, by notification, apply the remaining provisions of this Act to the whole or any portion of the Province of Madras from such date as may be specified in the notification.

2 (1) In this Act, unless there is anything repugnant Definitions.
in the subject or context—

(a) " Chief Inspector " means the Chief Inspector appointed under sub-section (2) of section 5;

(b) " child " means a person who has not completed his fourteenth year;

(c) " day " means a period of twenty-four hours beginning at midnight;

(d) " Government " means the Provincial Government;

(e) " Inspector " means an Inspector appointed under sub-section (1) of section 5;

(f) " manufacturing process " means any process for or incidental to, making, altering, repairing, ornamenting, finishing or packing, or otherwise treating any article or substance with a view to its use, sale, transport, delivery or disposal;

(g) " non-power factory " means any place or premises including the precincts thereof wherein ten or more workers are working or were working on any one day of the preceding twelve months and to which the Factories Act, 1934, does not apply and wherein one or more of the industries or handicrafts specified in the Schedule is or are being carried on:

Central
Act XXV
of 1934.

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Provided that the Government may, by notification, add to or omit from the Schedule any industry or handicraft :

Provided also that no such place or premises shall be deemed to be a non-power factory if all the workers therein are members of the occupier's family living with him;

(h) " notification " means a notification in the *Fort St. George Gazette* ;

(i) " occupier " of a non-power factory means the person who has ultimate control over the affairs of the factory and include a managing agent or any other person authorized to represent the occupier ;

(j) " prescribed " means prescribed by rules made under this Act ;

(k) " wages " means all remuneration capable of being expressed in terms of money, which would, if the terms of the contract of employment, express or implied, were fulfilled, be payable whether conditionally upon the regular attendance, good work or conduct or other behaviour of the person employed, or otherwise, to a person employed in respect of his employment or of work done in such employment, and includes any bonus or other additional remuneration of the nature aforesaid which would be so payable and any sum payable to such person by reason of the termination of his employment, but does not include—

(i) the value of any house-accommodation, supply of light, water, medical attendance or other amenity, or of any service excluded by general or special order of the Government ;

(ii) any contribution paid by the employer to any pension fund or provident fund ;

(iii) any travelling allowance or the value of any travelling concession ;

(iv) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment ; or

(v) any gratuity payable on discharge ;

(l) " week " means a period of seven days beginning at midnight on Saturday night ;

(m) " worker " means a person employed, whether for wages or not, in any manufacturing process or handicraft or in cleaning any part of the machinery, place or premises used for a manufacturing process or handicraft or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft or connected with the subject of the manufacturing process or handicraft, but does not include any person solely employed in a clerical capacity in any room or place where no manufacturing process or handicraft is being carried on ;

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(n) " young person " means a person who is not a child and has not completed his seventeenth year.

(2) References to time of day in this Act are references to Indian Standard Time which is five and a half hours ahead of Greenwich Mean Time.

3. (1) The Government may, by notification, declare that all or any of the provisions of this Act shall apply to any place or premises wherein an industry or handicraft specified in the Schedule is being carried on or is ordinarily carried on although the number of workers working in such place or premises is less than ten : Power of Government to declare certain premises to be non-power factories.

Provided that no such notification shall be issued in respect of any place or premises to which the Factories Act, 1934, applies.

(2) A notification under sub-section (1) may be made in respect of any one such place or premises or in respect of any class thereof or generally in respect of all such places or premises.

(3) Any place or premises to which all or any of the provisions of this Act are, for the time being, applicable in pursuance of a notification under sub-section (1) shall, to the extent to which such provisions are so made applicable, be deemed to be a non-power factory.

CHAPTER II.

LICENCES FOR NON-POWER FACTORIES.

4. (1) The occupier of every non-power factory shall, within thirty days of the date on which this Act is made applicable to such factory, make an application in the prescribed form to the Chief Inspector for a licence for carrying on work in such factory. The Chief Inspector shall, as soon as may be, after receipt of such application— Licences.

(a) grant a licence subject to such conditions as he thinks fit to impose, on payment of such fees as may be prescribed ; or

(b) refuse to grant a licence, if he is of opinion that the premises or place is unsuitable for carrying on the industry or handicraft.

(2) Where a licence is refused under sub-section (1), the place or premises for which the licence was applied shall not be used as a non-power factory from the date on which the order refusing the grant of a licence is received by the applicant for the licence.

(3) Except in cases falling under sub-section (1), no person shall use any place or premises as a non-power factory, unless he has been granted a licence by the Chief Inspector.

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(4) Every licence granted under this section shall expire at the end of the calendar year for which it is granted.

(5) A licence may be renewed on an application made and disposed of, as if it were an application for a licence.

(6) (a) The Chief Inspector may suspend or cancel any licence granted under this section for a breach of any of the conditions thereof.

(b) The Chief Inspector may, at any time, modify the conditions of a licence if, in his opinion, such modification is necessary.

(7) (a) The Chief Inspector may, by an order in writing, authorize any officer subordinate to him to exercise the powers conferred on him by this section.

(b) The exercise of any powers delegated under clause (a) shall be subject to such restrictions and conditions as may be specified in the order and also to control and revision by the Chief Inspector.

CHAPTER III.

INSPECTORS AND CERTIFYING SURGEONS.

Inspectors.

5. (1) The Government may, by notification, appoint such persons as they think fit to be Inspectors for the purposes of this Act, within such local limits as may be specified in the notification.

(2) The Government may, by notification, appoint any person to be a Chief Inspector who shall, in addition to the powers conferred on a Chief Inspector under this Act, exercise the powers of an Inspector throughout the Province.

(3) Every Chief Inspector and Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Central
Act XLV
of 1860.

Power of
Inspector.

6. Subject to any rules made in this behalf, an Inspector may, within the local limits for which he is appointed—

(a) enter, with such assistants, if any, being persons in the service of the Crown or of any local authority, as he thinks fit, any place or premises which is, or which he has reason to believe to be, used as a non-power factory or capable of being declared to be a non-power factory under the provisions of section 3;

(b) make such examination of the place or premises, plant and machinery and of any prescribed registers, and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Act;

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(c) exercise such other powers as may be necessary for carrying out the purposes of this Act :

Provided that no person shall be required under this section to answer any question or give any evidence tending to criminate himself.

7. (1) The Government may appoint such registered medical practitioners as they think fit, to be certifying surgeons for the purposes of this Act, within such local limits as the Government may specify. Certifying surgeons.

(2) A certifying surgeon appointed under sub-section (1) shall exercise such powers of an Inspector under section 6 as may be necessary for the discharge of his duties under this Act.

Explanation.—For the purposes of this section, the expression “registered medical practitioner” shall have the same meaning as in the Madras Medical Registration Act, 1914.

Madras
Act IV of
1914.

8. (1) A certifying surgeon shall, on the application of any young person who wishes to work in a non-power factory situated within the local limits for which he is appointed, or of the parent or guardian of such young person, or of the manager of the non-power factory in which such young person wishes to work, examine such young person and, if he is fit for employment in the whole or any specified part of, or in any specified manufacturing process or work in a non-power factory, grant him a certificate in the prescribed form stating his age as nearly as it can be ascertained from such examination and that he is fit for such employment. Certificates of fitness.

(2) A certifying surgeon may revoke any certificate granted to a young person under sub-section (1) if, in his opinion, the holder of it is no longer fit to work in the capacity stated therein in a non-power factory.

(3) Where a certifying surgeon refuses to grant a certificate or a certificate of the kind requested or revokes a certificate, he shall, if so requested by any person who could have applied for the certificate, state in writing his reasons for so doing.

9. Where an Inspector is of opinion—

(a) that any person working without a certificate of fitness is a young person, or

(b) that a young person working in a non-power factory with a certificate is no longer fit to work in the capacity stated therein,

he may serve on the manager of the non-power factory an order in writing requiring that such young person shall be examined by a certifying surgeon and such person shall not,

Power to
require
medical
examination.

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if the Inspector so directs, be allowed to work in the factory until he has been so examined and has been granted a certificate of fitness or a fresh certificate of fitness, as the case may be.

CHAPTER IV.

HEALTH AND SAFETY.

Cleanliness.

10. Every non-power factory shall be kept clean and free from effluvia arising from any drain, privy or other nuisance.

Ventilation.

11. (1) Every non-power factory shall be ventilated in accordance with such standards and by such methods, as may be prescribed.

(2) Where gas, dust or other impurity is generated in the course of work, adequate measures shall be taken to prevent injury to the health of workers.

Overcrowding.

12. In order that no room in a non-power factory shall be crowded during working hours to a dangerous extent or to an extent which may be injurious to the health of the workers, the proportion which the number of cubic feet of space in a room and the number of superficial feet of its floor area bears to the number of workers working at any time therein shall not be less than such standards as may be prescribed either generally or for the particular class of work carried on in the room.

Lighting.

13. (1) Every non-power factory shall be sufficiently lighted during all working hours.

(2) If it appears to the Inspector that any non-power factory is not sufficiently lighted, he may serve on the manager of the non-power factory an order in writing specifying the measures which, in his opinion, should be adopted for the attainment of a sufficient standard of lighting and requiring him to carry them out before a specified date.

(3) The Government may make rules requiring that all non-power factories of specified classes shall be lighted in accordance with prescribed standards.

Provision of spittoons, latrines and urinals.

14. In every non-power factory sufficient spittoons, latrines and urinals according to the prescribed standards shall be provided for male and female workers separately and shall be kept in a clean and sanitary condition.

Water.

15. (1) In every non-power factory a sufficient supply of water fit for drinking shall be provided at suitable places for the use of the workers.

(2) The supply required by sub-section (1) shall comply with such standards as may be prescribed.

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(3) In every non-power factory a sufficient supply of water suitable for washing shall be provided for the use of workers, at suitable places and with suitable facilities for its use, according to such standards as may be prescribed.

16. In every non-power factory such precautions against fire shall be taken as may be prescribed. Precautions against fire.

17. (1) Every non-power factory shall be provided with such means of escape in case of fire as may be prescribed. Means of escape.

(2) If it appears to the Inspector that any non-power factory is not so provided, he may serve on the manager of the non-power factory an order in writing specifying the measures which in his opinion should be adopted, and requiring him to carry them out before a specified date.

(3) The means of escape shall not be obstructed while any work is being carried on in the non-power factory.

18. If it appears to the Inspector—

(1) that any building or part of a building or any part of the ways, machinery or plant in a non-power factory is in such a condition as to be dangerous to human life or safety, or Safety of buildings.

(2) that any part of the manufacturing process is conducted in such a way as to cause danger to human life or safety,

he may serve on the manager of the non-power factory an order in writing specifying the measures which, in his opinion, should be adopted for removing the danger and requiring him to carry them out before a specified date.

19. (1) The manager of a non-power factory on whom an order in writing has been served under the provisions of this Chapter, or the occupier of the non-power factory, may, within thirty days of the service of the order, appeal against it to the Government or to such authority as the Government may appoint in that behalf and the Government or the authority, as the case may be, may confirm, modify or reverse the order. Appeals.

(2) The appellate authority may suspend the order appealed against pending the decision of the appeal, subject, however, to such conditions as to partial compliance or the adoption of temporary measures as it may think fit to impose in any case.

CHAPTER V.

HOURS OF EMPLOYMENT AND HOLIDAYS.

20. (1) Subject to the provisions of this Chapter, no worker shall be allowed to work in a non-power factory for more than nine hours in any day or for more than forty-eight hours in any week. Daily and weekly hours of work.

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(2) The periods of work for workers during each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest of at least one hour.

(3) The periods of work of a worker in a non-power factory shall be so arranged that, along with his intervals for rest, they shall not spread over more than ten hours in any day, save with the permission of the Government and subject to such conditions as they may impose, either generally or in the case of any particular non-power factory.

Weekly holiday.

21. (1) No worker shall be allowed to work in any non-power factory for more than six consecutive days without a holiday for a whole day.

(2) No deduction shall be made from the wages of any worker on account of any holiday allowed in accordance with this section and if he is employed on the basis that he would not ordinarily receive wages for such holiday, he shall nonetheless be paid for such holiday the wages he would have drawn had he not been allowed the holiday.

Prohibition of employment in more than one factory on the same day.

22. No person shall be allowed to work in any non-power factory on any day, on which he has already been working in any other factory.

Prohibition of employment of children.

23. No child shall be allowed to work in any non-power factory.

Employment of young persons.

24. No young person shall be allowed to work in any non-power factory unless—

(a) a certificate of fitness granted to him under section 8 is in the custody of the manager of the non-power factory, and

(b) he carries while he is at work, a token giving a reference to such certificate.

Employment of women.

25. No woman shall be allowed to work in any non-power factory before 6 a.m. and after 7 p.m.

Notice of dismissal.

26. (1) No occupier shall dispense with the services of a worker working continuously in a non-power factory for a period of not less than six months except for a reasonable cause and without giving such worker at least one month's notice or wages in lieu of such notice, provided, however, that such notice shall not be necessary where the services of such worker are dispensed with on a charge of misconduct supported by satisfactory evidence recorded at an enquiry held for the purpose.

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(2) The worker shall have a right to appeal to such authority and within such time as may be prescribed either on the ground that there was no reasonable cause for dispensing with his services or on the ground that he had not been guilty of misconduct as held by the occupier.

(3) The decision of the appellate authority shall be final and binding on both the occupier and the worker.

CHAPTER VI.

HOLIDAYS WITH WAGES.

27. (1) Every worker who has completed a period of twelve months' continuous service in a non-power factory shall be allowed during the subsequent period of twelve months, holidays with wages for a period of twelve days excluding festival holidays enjoyed by the workers by contract, custom or usage: Holidays,
sick leave,
etc.

Provided that such holidays with wages may be accumulated up to a maximum period of twenty-four days.

Explanation.—For the purposes of this sub-section, any continuous period of service preceding the date on which this Act applies to any non-power factory shall also count, subject to a maximum period of twelve months.

(2) Every worker employed in any non-power factory shall also be entitled, during his first twelve months of continuous service after the commencement of this Act and during every subsequent twelve months of such service, (a) to leave with wages for a period not exceeding twelve days, on the ground of any sickness incurred or accident sustained by him and (b) to casual leave with wages for a period not exceeding twelve days on any reasonable ground.

(3) If a worker entitled to any holidays under sub-section (1) is discharged by the occupier before he has been allowed the holidays, or if having applied for and been refused the holidays, he quits his employment before he has been allowed the holidays, the occupier shall pay him the amount payable under this Act in respect of the holidays.

(4) If a worker entitled to any leave under sub-section (2) is discharged by the occupier when he is sick or suffering from the result of an accident, the occupier shall pay him the amount payable under this Act in respect of the period of the leave to which he was entitled under that sub-section at the time of his discharge, in addition to the amount, if any, payable to him under sub-section (3).

(5) A worker shall be deemed to have completed a period of twelve months' continuous service within the meaning of this section notwithstanding any interruption in service

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during those twelve months brought about (i) by sickness, accident, leave (including authorized holidays), and unauthorized absences from duty (up to a maximum of twenty days), not exceeding ninety days in the aggregate for all four or (ii) by a lock-out; or (iii) by a strike which is not an illegal strike; or (iv) by intermittent periods of involuntary unemployment not exceeding thirty days in the aggregate; and leave shall be deemed not to include any weekly holidays allowed under this Act which occurs at the beginning or end of an interruption, brought about by the leave.

(6) In the case of a non-power factory which is a seasonal factory working for a period of not less than six months in a year, every worker shall be allowed the privileges referred to in sub-sections (1) to (5), reduced however proportionately to the period in which the work was carried on by the worker continuously in the previous year in the factory, or to the period in which work will be carried on by him continuously in the factory in the current year, as the case may be; and all references to periods of holidays or of leave in sub-sections (1) and (2) shall be construed accordingly, fractions of less than one day being disregarded.

(7) The Government shall have power to issue directions as to the manner in which the provisions of sub-section (6) shall be carried into effect in all or any class of cases or in any particular case.

28. Without prejudice to the conditions governing the day or days, if any, on which the worker is entitled to a holiday under section 21, the worker shall for the remaining days of the holidays or of the leave allowed to him under section 27 be paid at a rate equivalent to the daily average of his wages for the days on which he actually worked during the preceding three months, exclusive of any earnings in respect of overtime.

29. A worker who has been allowed holidays under sub-section (1) of section 27 or under sub-section (6) of that section read with sub-section (1) thereof, shall, before his holidays begin, be paid half the total pay due for the period of holidays.

30. Any Inspector may institute proceedings on behalf of any worker to recover any sum required to be paid under this Chapter by an employer which the employer has not paid.

CHAPTER VII.

NOTICES AND REGISTERS.

31. (1) The occupier of every non-power factory to which this Act is made applicable shall within fifteen days of the date on which it is made applicable and every person intending to use any place or premises as a non-power factory shall

Pay during
annual
holidays.

Payment
when to be
made.

Power of
Inspector to
act for
worker.

Notice to
Inspector.

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before work is begun, send to the Inspector a written notice containing—

- (i) the name of the non-power factory and the place where it is situated;
- (ii) the address to which communications relating to such non-power factory shall be sent;
- (iii) the nature of the work in such non-power factory;
- (iv) the name of the person who shall be the manager of the non-power factory for the purposes of this Act;
- (v) such other particulars as may be prescribed.

(2) Whenever there is a change in the person appointed as manager, the occupier shall send to the Inspector a written notice of the change within seven days from the date on which the new manager assumed charge.

(3) During any period for which no person has been designated as manager of a non-power factory under this section, or during which the person designated does not manage such factory, any person found acting as manager or if no such person is found, the occupier himself, shall be deemed to be the manager of the non-power factory for the purposes of this Act.

32. The manager of every non-power factory shall maintain in the prescribed form a register of workers showing the names of all the workers in such factory, their hours of work, the nature of the work and such other particulars as may be prescribed: Register of workers.

Provided that, where in the opinion of the Inspector, a muster roll or register kept in a non-power factory gives the particulars required under this section, he may, by order in writing, direct that such muster roll or register shall be kept in the place of the register required to be maintained under this section and such muster roll or register shall thereupon, for all the purposes of this Act, be treated as the register of workers in that factory:

Provided further that where the Government are satisfied that the conditions of work in any non-power factory or class of non-power factories are such that there is no appreciable risk of contravention of the provisions of Chapter V, the Government may, by notification, exempt, on such conditions as they may impose, that factory or all factories of that class, as the case may be, from the provisions of this section.

33. There shall be displayed in some conspicuous place near the main entrance of every non-power factory in English and in the language of the majority of the workers in such factory, the prescribed abstracts of this Act and the rules made thereunder in clean and legible form. Affixing of abstracts.

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CHAPTER VIII.

PENALTIES AND PROCEDURE.

**Penalty for
contraven-
tion of
certain
provisions.**

34. (1) Whoever uses any place or premises as a non-power factory without obtaining a licence, shall be punishable with fine which may extend to five hundred rupees.

(2) If in any non-power factory—

(a) there is any contravention of or non-compliance with—

(i) any of the provisions of sections 10 to 17 inclusive, 20 to 29 inclusive and 31 to 33 inclusive; or

(ii) any order under sections 9, 13 (2), 17 (2) and 18; or

(iii) any of the provisions of the rules made under this Act; or

(iv) any conditions imposed by a licence under section 4 or imposed under section 20 (3) or the second proviso to section 32; or

(b) if the register required by section 32 is not kept up to date, the manager and occupier shall each be punishable with fine which may extend to two hundred rupees:

Provided that, if both the manager and the occupier are convicted, the aggregate of the fines inflicted in respect of the same contravention or non-compliance shall not exceed this amount.

**Penalty for
obstructing
Inspector.**

35. Whoever wilfully obstructs an Inspector in the exercise of any power conferred on him by section 6 or any person lawfully assisting an Inspector in the exercise of such power or fails to produce on demand by an Inspector any registers or other documents in his custody kept in pursuance of this Act or any of the rules made thereunder or conceals or prevents any worker in a non-power factory from appearing before or being examined by an Inspector shall be punishable with fine which may extend to two hundred rupees.

**Penalty for
using false
certificates.**

36. Whoever knowingly uses or attempts to use, as a certificate granted to him under section 8, a certificate granted to another person under that section, or who, having procured such a certificate knowingly allows another person to use it or attempt to use it as aforesaid, shall be punishable with fine which may extend to twenty rupees.

**Determina-
tion of
occupier.**

37. (1) Where the occupier of a non-power factory is a firm or other association of individuals, any one of the individual partners or members thereof may be prosecuted and punished under this Chapter for any offence for which the occupier of the non-power factory is punishable:

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Provided that the firm or association may give notice to the Inspector that it has nominated one of its members who is resident in the Province of Madras to be the occupier of the non-power factory for the purposes of this Chapter, and such individual shall, so long as he is so resident, be deemed to be the occupier for the purposes of this Chapter, until further notice cancelling his nomination is received by the Inspector or until he ceases to be a partner or member of the firm or association.

(2) Where the occupier of a non-power factory is a company, any one of the directors thereof, or in the case of a private company, any one of the shareholders thereof may be prosecuted and punished under this Chapter for any offence for which the occupier of the non-power factory is punishable :

Provided that the company may give notice to the Inspector that it has nominated a director, or, in the case of a private company, a shareholder, who is resident in either case in the Province of Madras, to be the occupier of the non-power factory for the purposes of this Chapter and such director or shareholder shall, so long as he is so resident, be deemed to be the occupier of the non-power factory for the purposes of this Chapter until further notice cancelling his nomination is received by the Inspector or until he ceases to be a director or shareholder.

38. (1) Where the occupier or manager of a non-power factory is charged with an offence against this Act, he shall be entitled upon complaint duly made by him, to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge ; and if, after the commission of the offence has been proved, the occupier or manager of the non-power factory proves to the satisfaction of the Court—

Exemption of occupier or manager from liability in certain cases.

(a) that he has used due diligence to enforce the execution of this Act ; and

(b) that the said other person committed the offence in question without his knowledge, consent or connivance ; that other person shall be convicted of the offence and shall be liable to the like fine as if he were the occupier or manager and the occupier or manager shall be discharged from any liability under this Act.

(2) When it is made to appear to the satisfaction of the Inspector at any time prior to the institution of the proceedings—

(a) that the occupier or manager of the non-power factory has used all due diligence to enforce the execution of this Act ;

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(b) by what person the offence has been committed; and

(c) that it has been committed without the knowledge, consent or connivance of the occupier or manager and in contravention of his orders;

the Inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier or manager of the non-power factory, and such person shall be liable to the like fine as if he were the occupier or manager.

Penalty on guardian for permitting double employment of a young person.

39. If a young person works in any non-power factory on any day on which he has already been working in any other non-power factory, the parent or guardian of the young person or the person having custody of or control over him or obtaining any direct benefit from his wages, shall be punishable with fine which may extend to twenty rupees, unless it appears to the court that the young person so worked without the consent, connivance or wilful default of such parent, guardian or person.

Presumption as to employment.

40. If a child over the age of six years is found inside any part of a non-power factory in which young persons are working, he shall, until the contrary is proved, be deemed to be working in such factory.

Evidence as to age.

41. (1) When an act or omission would if a person were under or over a certain age be an offence punishable under this Act and such person is, in the opinion of the court, apparently under or over such age, the burden shall be on the accused to prove that such person is not under or over such age.

(2) A declaration in writing by a certifying surgeon relating to a worker that he has personally examined him and believes him to be under or over the age set forth in such declaration shall, for the purposes of this Act, be admissible as evidence of the age of that worker.

Cognizance of offences.

42. (1) No prosecution under this Act shall be instituted except by or with the previous sanction of the Chief Inspector or such other officer as the Government may appoint in that behalf.

(2) No Court inferior to that of a Presidency Magistrate or a Magistrate of the second class shall try any offence against this Act or any rule or order made thereunder.

Limitation of prosecutions.

43. No Court shall take cognizance of any offence under this Act or any rule or order made thereunder, other than an offence under section 31, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

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44. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act. Protection to persons acting under this Act.

CHAPTER IX.

MISCELLANEOUS.

45. The Government may, by notification, exempt any non-power factory or class of non-power factories from all or any of the provisions of this Act either permanently or for such period or periods as they may think fit. Exemption.

46. (1) The Government may make rules to carry out all or any of the purposes of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, they may make rules—

(a) with reference to all matters expressly required or allowed by the Act to be prescribed;

(b) in regard to the duties to be performed by certifying surgeons;

(c) for the issue of duplicates of certificates granted under section 8 and the fee to be charged therefor;

(d) requiring the occupiers and managers of non-power factories to maintain adequate first-aid appliances;

(e) requiring that in any specified non-power factory wherein fifty or more workers are ordinarily employed an adequate shelter shall be provided for the use of workers during periods of rest according to such standards as may be specified;

(f) requiring that in any specified non-power factory wherein ten or more women workers are ordinarily employed, a suitable room shall be reserved for the use of children under the age of six years belonging to such women and prescribing standards for such rooms; and the nature of the supervision to be exercised over the children therein;

(g) requiring occupiers or managers of non-power factories to furnish such returns as may be required for the purposes of this Act;

(h) the procedure to be followed in appeals under section 19;

(i) the manner of service of orders upon occupiers or managers of non-power factories.

(3) All rules made under this Act shall be subject to the condition of previous publication and the date to be specified in accordance with clause (c) of section 7 of the Madras General Clauses Act, 1891, shall not be less than three months from the date on which the draft of the proposed rules was published.

[7th November 1947]

(4) All such rules shall be published in the *Fort St. George Gazette* and shall, unless some later date is appointed, come into force on the date of such publication.

Rights and
privileges
under other
law, etc.,
not affected.

47. Nothing contained in this Act shall affect any rights or privileges which any worker working in any non-power factory is entitled to, on the date on which this Act comes into operation in respect of such non-power factory, under any other law, contract, custom or usage applicable to such non-power factory, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act.

THE SCHEDULE.

[See section 2 (1) (g).]

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|--------------------------------|--|
| 1 Match factory. | 17 Brick and tile works. |
| 2 Confectionery. | 18 Metal vessels manufacture. |
| 3 Printing and binding. | 19 Iron safes and trunks works. |
| 4 Type casting. | 20 Jewelstone polishing. |
| 5 Engineering and blacksmithy. | 21 Carpet weaving. |
| 6 Tanning of skins and hides. | 22 Tapes, laces and wicks manufacture. |
| 7 Wool cleaning. | 23 Embroidery of cloth. |
| 8 Cashewnut works. | 24 Knitting of banians. |
| 9 Coffee garbling. | 25 Breaking of grams into dhal. |
| 10 Beedi manufacture. | 26 Splitting and cutting of mica. |
| 11 Cigar manufacture. | 27 Aerated water works. |
| 12 Tobacco curing. | 28 Cloth printing. |
| 13 Carpentry. | 29 Tailoring. |
| 14 Handloom weaving. | 30 Fibre manufacture. |
| 15 Dyeing. | 31 Salt manufacture. |
| 16 Oil extraction. | |

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TRUTH ALONE TRIUMPHS